

United States Bankruptcy Court

NORTHERN

DISTRICT OF

CALIFORNIA

In re GERALD ARMSTRONG
Debtor

SUBPOENA IN AN ADVERSARY PROCEEDING

CHURCH OF SCIENTOLOGY INT.,
Plaintiff

Case No. 95-10911 aj

V.

Chapter _____

GERALD ARMSTRONG
Defendant

To: THE GERALD ARMSTRONG CORPORATION

Adv. Proc. No. 95-1164

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit A attached hereto.

PLACE

Law Offices of WILSON, RYAN & CAMPILONGO
115 Sansome St. 4th flr.
San Francisco, CA 94104 (415) 391-3900

DATE AND TIME

Jan. 30, 1996 @ 10:00 am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE

DATE

 Attorney for Plaintiff

January 24, 1996

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Laurie J. Bartilson, MOXON & BARTILSON
6255 Sunset Blvd., Suite 2000, Hollywood, CA 90028 (213) 960-1936

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1 EXHIBIT A

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all written,
4 typewritten, printed and graphic materials of whatever kind or
5 nature, including, but not limited to, correspondence, notes,
6 memoranda, telegrams and cables, telexes, telecopies, panafaxes,
7 publications, contracts, agreements, insurance policies, minutes,
8 offers, analyses, projections, studies, books, papers, records,
9 reports, lists, calendars, diaries, statements, complaints, filings
10 with any court, tribunal or governmental agency, corporate minutes,
11 partnerships, agreements, ledgers, transcripts, summaries, agendas,
12 bills, invoices, receipts, estimates, evaluations, personnel files,
13 certificates, instructions, manuals, bulletins, advertisements,
14 periodicals, accounting records, checks, check stubs, check
15 registers, canceled checks, money orders, negotiable instruments,
16 sound recordings, films, photographs, mechanical or electronic
17 recordings, tapes, transcriptions, blueprints, computer programs
18 and data, data processing cards, computer disks, software, logs,
19 email, news postings, instruction manuals, x-rays, laboratory
20 reports and all other medical tests and test results, whether in
21 draft or otherwise, including but not limited to, copies and non-
22 identical copies (whether different from the originals because of
23 notes or marks made on or attached to said copies or otherwise).

24 2. The words "and" and "or" as used herein shall both mean
25 "and/or."

26 3. The term "you" as used herein means The Gerald Armstrong
27 Corporation ("GAC"), its officers, directors, employees, agents and
28 attorneys.

1 4. If in response to this Deposition notice you decline or
2 refuse to produce any document based upon a claim of privilege, at
3 the time of production of these records, you are to state in
4 writing with respect to each such document the following:

5 (a) An identification of the document with reasonable
6 specificity and particularity, including its nature
7 (memo, letter, etc.), title and date;

8 (b) The exact nature of the privilege asserted;

9 (c) All of the facts upon which your claim of privilege
10 is based or which supports said claim;

11 (d) With respect to each person who was present at the
12 time the document was prepared:

13 (1) Their name and last known business and
14 residential addresses, telephone numbers, and email
15 addresses or aliases; and

16 (2) Their employer and job title or capacity at the
17 time that the document was prepared;

18 (e) With respect to each individual and entity to whom
19 the original or a copy of the document was sent:

20 (1) their name and last known business and
21 residential addresses, telephone numbers and email
22 addresses or aliases; and

23 (2) Their employer and job title or capacity at the
24 time that the original or the copy of the document was
25 sent to them;

26 (3) The date(s) when the document or copy was sent;
27 and

28 (4) By whom the document or copy was sent;

1 (f) With respect to each individual and entity who, to
2 the best of your knowledge, information or belief, has
3 seen the original or any copy of the document:

4 (1) Their name and last known business and
5 residential addresses, telephone numbers, and email
6 addresses or aliases;

7 (2) Their employer and job title or capacity at the
8 time the document or copy was seen by them; and

9 (3) The date(s) when the document or copy was seen
10 by them;

11 (g) With respect to each individual or entity who, to
12 the best of your knowledge, information or belief, had
13 possession or custody of the original or any copy of the
14 document:

15 (1) The name and last known business and residential
16 addresses, telephone numbers, and email addresses or
17 aliases;

18 (2) The inclusive dates during which they had
19 possession or custody of the document or copy; and

20 (3) Their employer and job title or capacity at the
21 time that they had possession of the document or copy;
22 and

23 (h) Identify with reasonable particularity each
24 document which refers to, discusses, analyzes, or
25 comments upon the document which you claim is privileged,
26 or which contains any and all of its contents.

DOCUMENTS AND THINGS TO BE PRODUCED

- 1 1. The articles of incorporation of GAC.
- 2 2. The bylaws of GAC.
- 3 3. All documents reflecting GAC's financial condition from
- 4 January 1, 1987 to the present. Such documents shall include but
- 5 not be limited to financial statements, profit and loss statements,
- 6 income and expense statements, asset statements, balance sheets and
- 7 loan applications.
- 8 4. All documents reflecting payments to GAC from any source
- 9 for any reason from January 1, 1987 to the present.
- 10 5. All documents reflecting the names, addresses and
- 11 telephone numbers of the locations at which GAC's banking accounts
- 12 are maintained.
- 13 6. All documents which refer to, relate to, mention,
- 14 discuss, concern or evidence, without limitation, any stock
- 15 offering made by GAC from January 1, 1987 until the present.
- 16 7. All documents which refer to, relate to, mention,
- 17 discuss, concern or evidence, without limitation, any transfer of
- 18 shares in GAC made by anyone from January 1, 1987 until the
- 19 present.
- 20 8. All documents which refer to, relate to, mention,
- 21 discuss, concern or evidence, without limitation, any transfer of
- 22 assets, including personal property from Gerald Armstrong to GAC
- 23 from January 1, 1987 until the present.
- 24 9. All documents which refer to, relate to, mention,
- 25 discuss, concern or evidence, without limitation, any loans made to
- 26 GAC by any person from January 1, 1987 until the present.
- 27 10. All documents, including loan applications, relating to
- 28

1 any loans secured by GAC at any time.

2 11. All documents evidencing or reflecting payments on any
3 loans secured by GAC.

4 12. All documents which refer to, relate to, mention,
5 discuss, concern or evidence, without limitation, any loans made by
6 GAC to any person from January 1, 1987 until the present.

7 13. All documents reflecting the names and titles of all
8 employees who worked for GAC from January 1, 1987 to the present.

9 14. All documents reflecting the names of the officers and
10 directors of GAC from January 1, 1987 to the present.

11 15. All documents which refer to, relate to, mention,
12 discuss, concern or evidence, without limitation, any payments made
13 by GAC to Gerald Armstrong from January 1, 1987 until the present.

14 16. All documents comprising, evidencing or relating to any
15 agreements between GAC and Gerald Armstrong at any time.

16 17. All documents comprising, evidencing or relating to the
17 lease or rental of any real property by GAC from January 1, 1987 to
18 the present.

19 18. All documents comprising, evidencing or relating to the
20 purchase of any real property by GAC from January 1, 1987 to the
21 present.

22 19. All documents comprising or relating to payments made,
23 including checks or money orders or other documentation of payments
24 for the lease or rental of any real property by GAC from January 1,
25 1987 to the present.

26 20. All documents comprising, evidencing or relating to
27 payments made, including checks or money orders or other
28 documentation of payments toward the purchase of any real property

1 by GAC from January 1, 1987 to the present.

2 21. All documents comprising, evidencing or reflecting bills
3 or invoices, and payments thereon, for maintenance of any real
4 property owned, leased or rented by GAC.

5 22. All documents comprising, evidencing or relating to
6 payments to any utility companies for the utilities at any real
7 property owned, rented or leased by GAC.

8 23. All documents reflecting the names, addresses and
9 telephone numbers of all accountants, accounting firms and other
10 persons or businesses that GAC retained to manage, analyze, monitor
11 or keep records of its business and financial affairs and assets,
12 from January 1, 1987 to the present.

13 24. All documents which refer, relate, mention, discuss,
14 concern or evidence, without limitation, any payments made by GAC
15 to anyone on behalf of Gerald Armstrong from January 1, 1987 until
16 the present.

17 25. All documents which refer to, relate to, mention,
18 discuss, concern or evidence, without limitation, any property,
19 cash or other asset paid to GAC, of any kind whatsoever, in
20 exchange for every transfer of cash and/or shares of stock in GAC
21 made by Gerald Armstrong.

22 26. All documents which concern, evidence or reflect the
23 assets of GAC from January 1, 1987 to the present.

24 27. All documents which concern, evidence, reflect or
25 constitute the literary works owned or in the possession of GAC.

26 28. All documents which concern, evidence, reflect or
27 constitute the inventions or rights to inventions which are owned
28 or in the possession of GAC.

1 29. All documents which concern, evidence, reflect or
2 constitute the manuscripts, screen plays, motion picture
3 treatments, "fictionalizations", plays, articles or scripts which
4 are owned or in the possession of GAC.

5 30. All documents which concern, evidence, reflect or
6 constitute the artistic works which are owned or in the possession
7 of GAC.

8 31. All documents which concern, evidence, reflect or
9 constitute the formulas or rights to formulas which are owned or in
10 the possession of GAC.

11 32. All documents evidencing or relating to the issuance of
12 stock by GAC.

13 33. All minutes of any meetings of the board of directors of
14 GAC from January 1, 1987 to the present.

15 34. All documents concerning, evidencing, relating or
16 constituting any appraisal of all or part of the assets owned or in
17 the possession of GAC from January 1, 1987 to the present.

18 35. All documents evidencing or relating to the sale of any
19 assets owned or in the possession of GAC from January 1, 1987 to
20 the present.

21 36. All documents identifying, evidencing or relating to any
22 creditors of GAC from January 1, 1987 to the present.